

U.S. Department of Justice



*United States Attorney
Southern District of New York*

*United States District Courthouse
300 Quarropas Street
White Plains, New York 10601*

July 14, 2020

BY CM/ECF and ELECTRONIC MAIL

The Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street
New York, New York 10601

**Re: *United States v. Simon Goldbrener, et al.,*
18 Cr. 614 (KMK)**

Dear Judge Karas:

The Government writes respectfully on behalf of all parties to request that this Court adjourn all currently pending sentencing dates for all seven defendants to late October 2020 or thereafter, as well as to set a universal schedule for sentencing memoranda. As discussed below, the parties believe that this will result in a more efficient use of the Court's resources, and better enable to parties to prepare for those sentencing in a way that provides the Court with accurate information and fully formulated arguments.

On August 27, 2018, a grand jury returned indictment 18 Cr. 614 (KMK), which charged all seven defendants with participating in conspiracies and frauds involving the E-Rate program. In light of, among other things, the volume of discovery (including discovery in both English and Yiddish), and the nature of the case, the Court granted several adjournments in the case, at the request of the defendants.

Beginning on January 24, 2020, and going through February 12, 2020, all seven defendants waived indictment and pleaded guilty to seven different superseding informations, all pursuant to plea agreements. The Court set sentencing dates for all.

In light of, among other things, delays wrought by COVID-19, the Court has been granting piecemeal sentencing adjournment requests (all made with the consent of the Government). In order to obviate the need for continued piecemeal requests, however, the Government has proposed—and all defendants have agreed—that the parties ask the Court instead to grant universal adjournments. Such a universal adjournment would serve a series of purposes: (1) it would adjourn all of the sentencing dates to late October, when it is more likely that the parties will be able to appear in person

Hon. Kenneth M. Karas
July 14, 2020
Page 2 of 2

for sentencing hearings; (2) it would adjourn all of the sentencing dates until after the major autumn Jewish holidays, during which holidays it would be difficult for the defendants and many counsel adequately to prepare for sentencing;¹ and (3) in a case where there will be significant overlap in factual and legal issues presented by various defendants, it will allow the Court to review all the parties' positions on these issues at the same time, and the parties to determine what, if any issues, remain in dispute at sentencing and what, if any, relief to seek from the Court (e.g., a *Fatico* hearing) regarding those issues.

Accordingly, the parties respectfully request that the current sentencing schedule be adjourned to the following schedule:

- All defense sentencing submissions due on **September 22, 2020**
- The Government's sentencing submission(s) due on **October 12, 2020**
- Sentencing hearings at the Court's convenience, but no earlier than **October 26, 2020**²

Please feel free to contact us with any questions or issues.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By: 

Michael D. Maimin
Hagan C. Scotten
Vladislav S. Vainberg
Assistant United States Attorneys
(914) 993-1952 / (212) 637-2410 / 1029

cc: All counsel (via CM/ECF and electronic mail)

¹ In 2020, Rosh Hashanah begins on September 18, and concludes on September 20; Yom Kippur begins on September 27, and concludes on September 28; Sukkot begins on October 2, and concludes on October 9, and Shemini Atzeret and Simchat Torah begin on October 9, and conclude on October 11.

² Counsel for Susan Klein asks, as a courtesy, if the Court would schedule Ms. Klein's sentencing hearing on the later end of the schedule, because counsel is relatively new to the case.